

Appln No. 09/931,575
Amdt date January 16, 2007
Reply to Office action of August 11, 2006

REMARKS/ARGUMENTS

Claims 1-26 will be pending in this application upon entry of the above amendments. Claims 1, 7, 10-13, 15, 17, 19, and 22 have been amended. The amendments find full support in the original specification, claims, and drawings. Claims 23-26 have been added. No new matter has been added. This Amendment is being submitted with a Request for Continued Examination. Entry of the amendments and an early indication of allowance of the now-pending claims 1-26 are respectfully requested.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph because the Examiner has indicated that it is unclear if this claim pertains to the method or the server system. Applicant submits that the amendment to claim 19 meets the requirements of 35 U.S.C. 112, second paragraph. Withdrawal of this rejection is respectfully requested.

Claims 1-3, 6, 8, 10-14, 17-19, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Shoff et al. (U.S. Publication No. 2001/001160). Applicant respectfully traverses this rejection.

Shoff discloses a system that provides supplemental interactive content alongside traditional broadcast video programs. Shoff teaches doing this via an electronic program guide (EPG) that includes, for each program that is intended to be interactive, a reference (e.g. a hyperlink URL) to the corresponding supplemental content. (See, p. 3, pars. 39-45). If the supplemental content is to be retrieved over a network from a host computer that maintains the content, the EPG will store a hyperlink URL for the corresponding program. (See, p. 4, pars. 46-51). However, if the content is stored in a local storage medium, such as, for example, a CD-ROM, "[t]he supplemental content is accessed via disk reads to the local storage drive, rather than using URLs to target resources over a network." (p. 4, par. 51).

Consider now the claims. Claim 1, as amended, recites "providing interactive content from a server system to remote users over a data communications network, the content related to the broadcast event, the remote users having local devices that can store content; and during the broadcast event, the server system providing to the local devices over the data communications

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network messages that identify the content and cause the local devices to display the stored content locally." Support for this amendment may be found in Applicant's specification such as, for example, on page 3, lines 7-13, and on page 8, lines 2-5. This amendment clarifies what was already implicit before, that is, that both the "content" and the "messages" are transmitted to the remote local devices over a "data communications network." The disclosure in Shoff of the use of a CD-ROM that is accessed via disk reads that the Examiner relies on to make the rejection does not transmit any messages "over the data communications network," the same network used to provide the interactive content to the remote users.

Claim 1 has been further amended to recite "detecting by the server system a type of local device; and providing by the server system to the local devices different base software for displaying the content in response to the detected type of local device." Support for this amendment may be found in Applicant's original claim 17 and in the specification, such as, for example, on page 8, lines 13-24, and on page 11, lines 5-15.

Shoff teaches that according to one embodiment, the viewer computing unit can be a set-top box (STB) (see, FIG. 1), and that according to another embodiment, the viewer computing unit can be a computer monitor (see, FIG. 4). However, Shoff does not teach or suggest that the enhanced content server 52 or ISP host 84 engages in "detecting . . . a type of local device" and "providing . . . different base software for displaying the content in response to the detected type of local device," as is now required by claim 1. (Emphasis added). The enhanced content server 52 or ISP host 84 disclosed in Shoff simply provides the supplemental content, and does not care about the type of device that is requesting the content (STB or computer), and certainly does not provide any base software that is catered to different types of local devices. Accordingly, claim 1 is now in condition for allowance.

Claims 2-3, 6, 8, 10-14, 17-19, and 22 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain.

Claims 4, 5, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff in view of Stewart et al. (U.S. Patent No. 6,414,635).

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Claims 4, 5, 20, and 21 are in condition for allowance because they depend on an allowable base claim and for the additional limitations that they contain.

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff in view of Barton et al. (U.S. Patent No. 6,233,389). Applicant respectfully traverses this rejection.

Claims 7 and 9 are in condition for allowance because they depend on an allowable base claim and for the additional limitations that they contain. Specifically with respect to claim 7, claim 7 recites transmitting the interactive content to the local device while the event is occurring; storing the transmitted interactive content in the local device; and later transmitting messages to identify the transmitted interactive content to be displayed." The Examiner relies on Barton to reject claim 7. Barton, however, discloses a TIVO system which allows a user to store selected television broadcast programs while simultaneously watching or reviewing another program. (Col. 3, lines 19-29). The focus of Barton are television programs. Nothing in Barton teaches or suggests how interactive content that is provided by a server system would be handled, and much less, "transmitting the interactive content to the local device while the event is occurring; storing the transmitted interactive content in the local device; and later transmitting messages to identify the transmitted interactive content to be displayed," as is now recited in amended claim 7. Accordingly, claim 7 is also in condition for allowance for this additional limitation.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schoff in view of Barton et al. and further in view of Official Notice. Applicant respectfully traverses this rejection.

Claim 15 is in condition for allowance because it depends on an allowable base claim and for the additional limitations that it contains. Specifically, claim 15, as amended, recites "receiving and storing the broadcast event, the interactive content, and the messages in a recording device coupled to at least some of the local devices; and associating the timing of the messages with the programming such that the playback of the broadcast event from the recording device includes the content and messages for being provided at the same relative time as during the broadcast." As discussed above with respect to claim 7, the focus of Barton is the storing and

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manipulating of television programs. Barton fails to teach or suggest the limitations that are now recited in claim 15.

In rejecting claim 15, the Examiner takes Official Notice that it is "well known to present interactive content in a playback environment such as when a user plays a game in a playback mode and the user does not get to find out the answer to the game questions until the end of the game." (Office action, p. 9, last par.). Although providing interactive content in general may be well known, Applicant can find no teaching that the limitations of claim 15 are well known. Accordingly, Applicant requests evidence supporting the assertions that the limitations of claim 15 are well known.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff in view of Official Notice. Applicant respectfully traverses this rejection.

Claim 15 is in condition for allowance because it depends on an allowable base claim and for the additional limitations that it contains. In rejecting claim 16, the Examiner takes Official Notice that it is "well known for interactive playback storage devices to present follow-on content in response to a user entering data during a playback of a broadcast event as done when a user is presented a survey to complete and will receive the follow on content of survey results only after the user completes the survey in the playback environment." (Office action, p. 10, last par.). Again, although interacting with an interactive content may be well known, Applicant can find no teaching that interacting with the interactive content in a playback environment is well known. Accordingly, Applicant requests evidence supporting the assertions that the limitations of claim 16 are well known.

Claims 23-26 are new in this application. Claims 23-26 are in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain.

Specifically with respect to claim 23, this claim recites "providing a plurality of display options for customizing a display layout of the interactive content; receiving a user selection of one of the plurality of display options; and customizing the display layout based on the user selection," which is not taught nor suggested by the cited references. (Emphasis added). In

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Shoff, a viewer does not have the option of making such customizations of the display of the supplemental content.

With respect to claim 24, this claim recites that "the plurality of display options are limited based on the type of local device detected by the server system," which is also not taught nor suggested by any of the cited references.

With respect to claim 25, this claim recites that "the broadcast event includes a video signal, wherein the video signal does not include any triggers for accessing the interactive content," which is not taught nor suggested by any of the cited references.

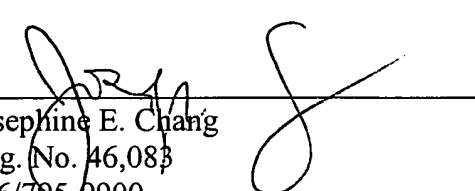
With respect to claim 26, this claim recites that "the interactive content is identified by the server system independent of identifying information from the local devices," which is not taught nor suggested by any of the cited references. In Shoff, a viewer device must always specify to the content server which supplemental content to retrieve. The content server is not configured to make this determination on its own.

Accordingly, in view of the above amendments and remarks, Applicant respectfully requests reconsideration and an early indication of allowance of the now pending claims 1-26.

In view of the above amendments and remarks, reconsideration, reexamination, and an

Respectfully submitted,
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